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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

BRICE YINGLING D/B/A ALAMO
AUTOSPORTS AND ANDY SCOTT,

Plaintiffs,

v.

EBAY INC.,

Defendant.

Case No. C 09 01733 JW (PVT)

**JOINT UPDATE ON MEDIATION STATUS;
REQUEST TO RESCHEDULE STATUS
CONFERENCE; AND [PROPOSED] ORDER**

Date: November 22, 2010
Time: 9:00 a.m.
Judge: Hon. James Ware
Trial Date: Not yet set

Plaintiffs Brice Yingling and Andy Scott and Defendant eBay Inc. ("eBay") jointly submit this update on mediation status and request to reschedule the status conference currently scheduled for November 15, 2010.

On September 2, 2010, the Court entered an order staying discovery in this action pending completion of mediation between the parties, scheduling a status conference for November 15, 2010 and requiring the parties to file a joint status statement on or before November 5, 2010. At the time of the order, the parties were scheduled to participate in a mediation with the Hon. Layn R. Phillips on November 1, 2010. Recently, the Hon. Layn R. Phillips informed the parties that a conflict had arisen with regard to the scheduled mediation date, and the parties were required to reschedule the mediation. The parties have now engaged Randall W. Wulff with Wulff Quinby & Sochynsky Dispute Resolution as their mediator, with mediation scheduled to take place on November 9, 2010, the first available date.

In light of the rescheduled mediation date, that parties request the Court reschedule the status conference by one week to November 22, 2010 at 10:00 a.m., or as soon thereafter as convenient for the Court, and reset the deadline for the parties to submit their joint status report to November 15, 2010.

Dated: October __, 2010

FIGARI & DAVENPORT, LLP

/s/

Keith Verges

Attorneys for Plaintiffs
Brice Yingling and Andy Scott

Dated: October __, 2010

COOLEY LLP

/s/

James M. Penning

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eBay Inc.

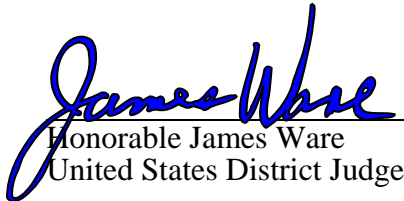
FILER'S ATTESTATION

Filer's Attestation: Pursuant to General Order No. 45, Section X(B) regarding signatures, James M. Penning hereby attests that concurrence in the filing of this document has been obtained.

ORDER

II IS HEREBY ORDERED that the status conference currently scheduled for November 15, 2010 is hereby rescheduled to November 22, 2010 at 10:00 a.m. On or before, November 15, 2010, the parties shall file a joint status statement informing the Court on the status of their settlement efforts.

Date: October 14, 2010



Honorable James Ware
United States District Judge

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